

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WILLIE BUFORD, # 202968,)
Petitioner,)
v.) Civil Action No. 2:18cv747-MHT
LEON BOLLING, *et al.*,) [WO]
Respondents.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner Willie Buford (“Buford”), a state inmate at Kilby Correctional Facility in Mt. Meigs, Alabama, initiated this action on August 13, 2018, by filing a petition for writ of habeas corpus under 28 U.S.C. § 2254. Doc. # 1. In his petition, Buford challenges his jury trial convictions in the Jefferson County Circuit Court on charges of first-degree rape, first-degree kidnapping, and second-degree assault. On August 4, 2015, that court sentenced Buford to 85 years in prison.

DISCUSSION

Title 28 U.S.C. § 2241(d) allows Buford to bring his § 2254 petition in either (a) the district court for the district wherein he is in custody (the Middle District of Alabama, where Kilby Correctional Facility is located), or (b) the district court for the district within which the state court that convicted and sentenced him was held (the Northern District of Alabama, where the Jefferson County Circuit Court is located). Section 2241(d) provides that this court “in the exercise of its discretion and in furtherance of justice,” may transfer

a petitioner's § 2254 petition to "the district court for the district within which the State court was held which convicted and sentenced [the petitioner]." 28 U.S.C. § 2241(d).

The matters complained of by Buford stem from a conviction and sentence entered by the Jefferson County Circuit Court. The records related to these matters are located in Jefferson County. Therefore, this court finds that the furtherance of justice and judicial economy will be best served by transferring this case to the United States District Court for the Northern District of Alabama for review and disposition.¹

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be TRANSFERRED to the United States District Court for the Northern District of Alabama under 28 U.S.C. § 2241(d).

It is further

ORDERED that the parties shall file any objections to this Recommendation on or before September 7, 2018. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations under the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal

¹ A decision on Buford's application for leave to proceed *in forma pauperis* (Doc. # 2) is reserved for ruling by the United States District Court for the Northern District of Alabama.

conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1. *See Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc), adopting as binding precedent all decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE this 24th day of August, 2018.

/s/ Charles S. Coody
CHARLS S. COODY
UNITED STATES MAGISTRATE JUDGE